

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

IN RE:

Elmer R. Marchbanks

Debtor

* Case No. 18-33595

* Chapter 13 (Judge Humphrey)

*

***MOTION FOR EXTENSION OF**

***TIME TO CONVERT FROM CHAPTER 13**

***CASE TO CHAPTER 7 CASE**

Now comes the undersigned on behalf of the Debtor and moves the Court for an Order Granting an Extension of Time for Debtor to Convert his Chapter 13 Case to a Chapter 7 case to include March 18, 2021 as the Debtor has not been able to meet with his Case Attorney to convert his case to a Chapter 7 case as Debtor has only recently been able to contact the Debtor regarding the conversion to Chapter 7.

Therefore, Debtor respectfully requests an extension of time to convert from Chapter 13 to Chapter 7 be extended until March 18, 2021.

Respectfully submitted,

/s/ John Frederick Kennel

John Frederick Kennel, #0090218

Case Attorney for Debtor

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Dayton, Ohio 45432

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**NOTICE OF MOTION TO EXTEND TIME TO CONVERT
FROM CHAPTER 13 TO CHAPTER 7**

John Frederick Kennel, Case Attorney for the Debtor has filed A Motion to Extend Time to Convert from Chapter 13 to Chapter 7.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Motion, then on or before twenty-one days from the date set forth in the certificate of service for the Motion, you must file with the Court a response explaining your position by mailing your response by regular U.S. Mail, to Clerk, US Bankruptcy Court, Southern District of Ohio, 120 W. Third Street, Dayton, Ohio 45402 OR your attorney must file a response using the Court's ECF System.

The Court must receive your response on or before the above date.

You must also send a copy of your response either by 1) the Court's ECF System or by 2) regular U.S. Mail, addressed to:

Elmer R. Marchbanks, 4808 Olive Road, Dayton, Ohio 45426

John Frederick Kennel, Case Attorney for Debtor, 1340 Woodman Drive, Dayton, Ohio 45432

**John G. Jansing, Chapter 13 Trustee, 131 N. Ludlow, Suite 900, Dayton, Ohio 45402
Office of the U.S. Trustee, 170 North High Street, Suite 200, Columbus, Ohio 43215**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief sought without further hearing or notice.

All parties are hereby placed on notice that an objection to this Motion to Extend Time to Convert from Chapter 13 to Chapter 7 must be filed within twenty-one (21) days of the date set forth on the Certificate of Service or an order will be submitted to the Court granting this Motion to Extend Time to Convert from Chapter 13 to Chapter 7.

If a response and/or Objection is timely filed then this matter shall be set for hearing before the Court and the date and the time of the hearing shall be noticed by the Court upon the appropriate parties.

**/s/ John Frederick Kennel
John Frederick Kennel, #0090218**

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2021, a copy of the foregoing Motion for Extension of Time to file Notice of Conversion from Chapter 13 to Chapter 7 was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court.

John G. Jansing, Chapter 13 Trustee
U.S. Trustee
Capital One Auto Finance c/o Jon J. Lieberman
Ohio Department of Taxation c/o Bradley C. Smith

And on the following by ordinary U.S. Mail, postage prepaid, on February 22, 2021 addressed to:

US Bank Trust, NA c/o BSI Financial Services, 1920 Old Tustin Avenue, Santa Ana, CA 92705

Capital One Auto Finance, Ais Portfolio Services, LP, 4515 N. Santa Fe Avenue, Oklahoma City, OK 73118

Elmer R. Marchbanks, Jr. 2808 Olive Road, Dayton, Ohio 45426

/s/ John Frederick Kennel
John Frederick Kennel